

### Remarks

Claims 37-66 are pending. Claims 37 and 41 have been rejected. Claims 38-40 and 42-64 have been withdrawn. Claims 65 and 66 are newly added. No new matter has been added. Support for the amendment of claim 37 can be found on page 20, the paragraph starting on line 18.

#### Claim objection

Claim 41 is objected to because the term “polyester diacrylates” appears twice in the Markush group. Applicants thank the Examiner for pointing out this error and have corrected this error. Removal of the objection is respectfully requested

#### Rejection under U35 USC 102(b)

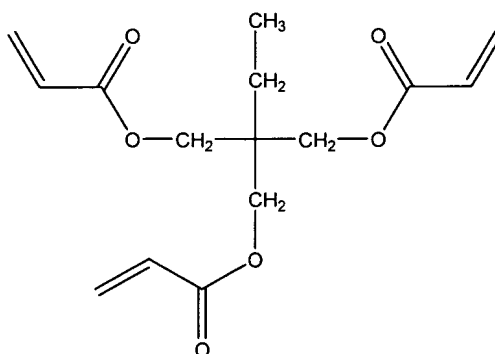
Claims 37 and 41 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,824,049 to Ragheb et al. (“Ragheb”).

Ragheb describes a coating configuration that has a primer layer on surface of the device, a layer of a pure drug or combination of drugs, and a porous polymer layer on top of the pure drug layer for the controlled release of the drug. The porous polymer layer is described as “a network resembling a fibrous mesh with relatively large pores” (col. 10, lines 52-54). Ragheb specifically states “[c]areful and precise control over the deposition of the parylene or parylene derivative therefore permits close control over the release rate of material from the at least one layer 18 of bioactive material. **It is for this reason that the bioactive material lies under the at least one porous layer 20, rather than being dispersed within or throughout it**” (col. 10, lines 57-64). **In other words, Ragheb indisputably denounces any blending of the drug with the polymer.**

Claims 37 recited “a reservoir region comprising **a polymer and a drug blended with or dispersed in the polymer.**” Accordingly, claim 37 is patentably allowable over Ragheb. Claim 41 depends from claim 37 and is allowable for at least the same reason. Claims 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49 and 50 depend from claim 37 and are allowable for at least the same reason. **Rejoinder of these claims is respectfully requested considering the generic claim is in condition for allowance.**

New claims 65 and 66 define an implantable device having a reservoir region that includes a drug and a primer region that includes a polymer, which can be, among others, an **unsaturated polymer** such as polyester diacrylates, polycaprolactone diacrylates, polytetramethylene glycol diacrylate, polyacrylates with at least two acrylate groups, polyacrylated polyurethanes, tiracrylates or any combination thereof. **These unsaturated polymers have unsaturated functional groups and can undergo polymerization.**

As noted by the Examiner, Ragheb describes a polymer formed of a monomer that can be trimethylopropane triacrylate. As the Examiner may know, trimethylopropane triacrylate has a structure of:



Polymerization of trimethylopropane proceeds via polymerization of the acrylate groups in the molecule, **forming a saturated polymer with no acrylate groups**. Therefore, new claims 65 and 66 are patentably allowable over Ragheb.

**CONCLUSION**


Withdrawal of the rejections and allowance of the claims is respectfully requested.

Should the Examiner have any questions regarding this communication, the Examiner is invited to contact the undersigned at the telephone number shown below.

The undersigned authorizes the examiner to charge any fees that may be required or credit of any overpayment to be made to Deposit Account No. 07-1850.

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Respectfully submitted,

  
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